

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

MICHELLE MCMILLAN

vs.

JAMES MARQUIN LEQUANDRE
AND P.A.M. TRANSPORT, INC.

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C. A. No. 4:22-cv-2323

DEFENDANT P.A.M. TRANSPORT, INC.'S NOTICE OF REMOVAL

A. INTRODUCTION

1. Plaintiff is Michelle McMillan; defendants are James Marquin Lequandre and P.A.M. Transport, Inc.

2. On June 6, 2022, plaintiff sued defendants for negligence in the 129th Judicial District Court of Harris County, Texas.

3. Defendant P.A.M. Transport, Inc., was served with this suit on June 29, 2022. Defendant files this notice of removal within the 30-day time period required by 28 U.S.C. § 1446(b). *Board of Regents of Univ. of Tex. Sys. v. Nippon Tel. & Tel. Corp.*, 478 F.3d 274, 278 (5th Cir. 2007).

B. BASIS FOR REMOVAL AND JURISDICTION

4. Removal is proper because there is complete diversity between the parties. 28 U.S.C. § 132(a); *Johnson v. Columbia Props. Anchorage, L.P.*, 437 F.3d 894, 899-900 (9th Cir. 2006). Plaintiff is a resident and citizen of Harris County, Texas. Defendant PAM Transport, Inc., is incorporated in Arkansas with its principal office in Tonitown, Arkansas. Defendant James Marquin Lequandre is a resident of Oklahoma. The amount in controversy exceeds \$100,000 according to

Plaintiff's petition, excluding interests and costs. 28 U.S.C. § 1332(a); *Andrews v. E.I. Du Pont De Nemours & Co.*, 447 F.3d 510, 514-515 (7th Cir. 2006). This action arises out of an collision which occurred on or about June 4, 2022, in Harris County, Texas. Defendant James Marquin Lequandre, according to plaintiff's petition attached and Labeled Exhibit A, was driving a commercial truck owned and operated by defendant PAM Transport, Inc.

5. No other defendants have been served with plaintiff's petition.

6. Copies of all pleadings, process, orders, and other filings in the state-court suit are attached to this notice as required by 28 U.S.C. § 1446(a) attached as Exhibit A.

7. Venue is proper in this district under 28 U.S.C. § 1441(a) because the state court where the suit has been pending is located in this district.

8. Defendant will promptly file a copy of this notice of removal with the clerk of the state court where the suit has been pending.

C. JURY DEMAND

9. Plaintiffs did not demand a jury in the state-court suit. Defendants hereby request that this case be submitted to a jury in Federal Court.

D. CONCLUSION

10. For these reasons, defendant asks the court to remove the suit to the United States District Court for the Southern District of Texas, Houston Division.

Respectfully submitted,

ELLINGTON & ASSOCIATES

/s/ Owen H. Ellington

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OF COUNSEL:

ELLINGTON & ASSOCIATES

ATTORNEY-IN-CHARGE FOR

DEFENDANT P.A.M. TRANSPORT, INC.

CERTIFICATE OF SERVICE

I certify that a copy of Defendants' Notice of Removal was served on the 13th day of July, 2022, by electronic service.

Chance A. McMillan
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Houston, TX 77002

/s/ Owen H. Ellington

Owen H. Ellington